



State of Utah

Department of  
Environmental Quality

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DAQ-021-07

## MEMORANDUM

**TO:** Air Quality Board

**THROUGH:** Richard W. Sprott, Executive Secretary

**FROM:** Mat Carlile, Environmental Planning Consultant

**DATE:** February 21, 2007

**SUBJECT:** Five-Year Reviews: R307-220, R307-221, R307-222, and R307-223.

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### Background

All state agencies are required by the Utah Administrative Rulemaking Act (Title 63, Chapter 46a) to review each of their rules at least every fifth year. Because the statute defines "agency" as the state board or other entity that is authorized by statute to make rules, the responsibility to complete the review falls to the Air Quality Board.

At the end of the review, the agency must file a notice with the Division of Administrative Rules indicating its intent to continue, amend, or repeal the rule. To continue the rule, the agency must address the requirements in 63-46a-9(3)(a) as listed on the attached forms<sup>1</sup>. If the agency does not file the form on time, the rule automatically expires, as provided in 63-46a-9(8). Nothing in the review process makes any change in the rule text; if the agency wishes to amend or repeal the rule, a separate action is required under the regular rulemaking procedures (public notice, public comment, and final Board adoption).

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<sup>1</sup> The five-year review must include all written comments received since the last review, and the interpretation of the Legislature's Administrative Rules Review Committee is that this includes all comments received during any amendment process, even though the Board has already considered all of those comments and responses. The program used by the Division of Administrative Rules to process agency submittals cannot accept any formatting characters; including tabs or hard returns; therefore, capitalizing titles and subjects is the only acceptable method to indicate separations.

We recommend reviewing rules in functional groups. Therefore, we have decided to review all of the designated facilities rules, even though some are not due this year. Attachment 1 contains a summary of the designated facilities rules, followed by a copy of the review form to be filed with the Division of Administrative Rules, and a copy of each rule.

The five-year reviews for R307-220 and R307-221 are due on March 26, 2007.

Staff Recommendation: Staff recommends that the Board continue these rules by approving the attached forms to be filed with the Division of Administrative Rules.

## **Attachment 1**

### **Designated Facilities Rules**

#### **R307-220. Emission Standards: Plan for Designated Facilities**

Under Section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), EPA issues standards of performance for existing sources at the time standards are issued for new sources, and states are required to prepare plans and rules to implement the standards for existing sources. R307-220 incorporates by reference the Utah Plans to meet these standards.

#### **R307-221. Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills**

R307-221 implements to standards for Existing Municipal Solid Waste Landfills. The corresponding plan is incorporated by reference in R307-220-2. R307-221 also includes necessary definitions, emission restrictions, control device specifications, and a compliance schedule, as required by 40 CFR 60.36c.

#### **R307-222. Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste**

R307-222 implements the standards for Existing Incinerators for Hospital, Medical, Infectious Waste. The corresponding plan is incorporated by reference in R307-220-3. R307-222 also includes necessary definitions, emission restrictions, control devices specifications, and a compliance schedule, as required by 40 CFR 60 Subpart Ce.

#### **R307-223. Emission Standards: Existing Small Municipal Waste Combustion Units.**

R307-223 implements the standards for Existing Small Municipal Wasted Combustion Units. The corresponding plan is incorporated by reference in R307-220-4. R307-223 also includes necessary definitions, emission restrictions, control device specifications, and a compliance schedule, as required by 40 CFR Part 60, Subpart BBBB. The only source in Utah that is regulated by R307-223 is Wasatch Energy Systems in Davis County.